

---

---

United States Court of Appeals  
for the  
Ninth Circuit

---

NOS. 05-10067, 05-15006 & 05-55354

---

IN RE: GRAND JURY SUBPOENA DATED MAY 6, 2004

SEAL 1,

*Defendant-Appellant,*

v.

SEAL 2,

*Plaintiffs-Appellees.*

---

**JOINDER IN RESPONSE TO NON-PARTY'S NOTICE  
RE PENDING MOTION TO UNSEAL RECORDS**

---

---

DAVID P. BANCROFT (SBN 52106)  
*dbancroft@sideman.com*  
JEFFREY C. HALLAM (SBN 161259)  
*jhallam@sideman.com*  
SIDEMAN & BANCROFT LLP  
One Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3629  
Telephone: (415) 392-1960  
Facsimile: (415) 392-0827

*Attorneys for Plaintiff-Appellee,*  
COMPREHENSIVE DRUG TESTING, INC.

Comprehensive Drug Testing, Inc., Plaintiff-Appellee in this action, hereby joins in the Response to Non-Party's Notice Re Pending Motion to Unseal Court Records, as filed by Plaintiff-Appellee, Major League Baseball Players Association on September 10, 2009.

DATED: September 11, 2009      Respectfully submitted,

SIDEMAN & BANCROFT LLP

By: /s/ Jeffrey C. Hallam

Jeffrey C. Hallam

Attorneys for *Plaintiff-Appellee*,  
COMPREHENSIVE DRUG TESTING, INC.

6006\846056v1

**CERTIFICATE OF COMPLIANCE**

Pursuant to Fed. R. App. P. 27(c) and 27(d), and Circuit Rule 27-1, I hereby certify that *Plaintiff-Appellee* COMPREHENSIVE DRUG TESTING, INC.'s **JOINDER IN RESPONSE TO NON-PARTY'S NOTICE RE PENDING MOTION TO UNSEAL RECORDS**, filed with this Court on **September 11, 2009**, is proportionately spaced in 14-point Times New Roman typeface and contains 36 words. Together with this Certificate of Compliance, which is proportionately spaced in 14-point Times New Roman typeface and contains 96 words, COMPREHENSIVE DRUG TESTING, INC.'s complete filing on this Joinder contains 132 words.

Executed on September 11, 2009, at San Francisco, California.

*/s/ Susie M. Arzave*

---

SUSIE M. ARZAVE

**CERTIFICATE OF RELATED CASES**

Counsel is not aware of any related cases pending before this Court.

DATED: September 11, 2009

Respectfully submitted,

SIDEMAN & BANCROFT LLP

By: /s/ Jeffrey C. Hallam

Jeffrey C. Hallam

Attorneys for *Plaintiff-Appellee*,

COMPREHENSIVE DRUG TESTING, INC.

**PROOF OF SERVICE**

I, SUSIE M. ARZAVE, certify that, on **September 11, 2009**, I filed electronically a copy of this **JOINDER IN RESPONSE TO NON-PARTY'S NOTICE RE PENDING MOTION TO UNSEAL COURT RECORDS** with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system, and that Assisted United States Attorneys J. Douglas Wilson and Barbara Valiere, and Elliot R. Peters, David J. Silbert and Ethan A. Balogh, the parties to whom I am required to provide service, are registered CM/ECF users and that service of this Joinder in Response to Non-Party's Notice Re Pending Motion to Unseal Court Records shall be accomplished by the appellate CM/ECF system. I further certify that I caused today to be sent by United States mail a copy of this Response to Non-Party's Notice re Pending Motion to Unseal Court Records to:

Joshua A. Gerstein  
108 Circle Hill Road  
Alexandria, VA 22305

Dated: September 11, 2009

/s/ Susie M. Arzave  
SUSIE M. ARZAVE